

Notice of Allowability

Application No.

10/826,675

Examiner

Robert A. Hopkins

Applicant(s)

YANO ET AL.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed 1-12-06.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

ROBERT A. HOPKINS
PRIMARY EXAMINER

A.U. 1724

DETAILED ACTION

Allowable Subject Matter

Claims 1- 15 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 1 recites “electrochemically or optically measuring concentration of lithium ions using a lithium ion sensitive substance; and using the measured lithium ion concentration to control the concentration of the water treatment chemical added to the water to be treated. Examiner notes the method recited in page 6 lines 14-29 specifically defines using either a field effect transistor which uses a lithium ion sensitive substance as an electrochemical method or a membrane including a lithium ion sensitive substance as an optical method., and using either of the two above methods can be employed to perform an appropriate control of the water treatment chemical concentration. Therefore, “electrochemically” and “optically” are specifically defined and limited by the above methods recited in the specification. Examiner also notes that in the background of the current specification, page 5 lines 27-30 to page 6 lines 1-4 , atomic adsorption is taught against being used as a lithium tracer method, therefore atomic adsorption is not defined under the group of methods which include “electrochemically or optically measuring concentration of lithium ions using a lithium ion sensitive substance. Examiner also notes that emission spectrophotometry as noted in Moriarity et al does not measure concentration of ions using an ion sensitive substance, therefore emission spectrophotometry is not defined under the group of methods which

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include "electrochemically or optically measuring concentration of lithium ions using a lithium ion sensitive substance. Claims 2-7 depend on claim 1 and hence are also allowed.

With regards to claim 8, Moriarty et al fails to teach or suggest a transducer for converting a state of a lithium sensitive substance into an electrical or optical signal.

Claims 9-15 depend on claim 8 and hence are also allowed.

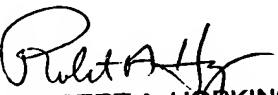
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Thursday, 7:30am-6pm, every Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RAH
January 25, 2006


ROBERT A. HOPKINS
PRIMARY EXAMINER
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